

IN RECOGNITION OF THE LIFE OF  
CAPTAIN TORRE REMOINE MAL-  
LARD

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to recognize the life of a heroic American citizen, Capt. Torre Mallard.

Captain Mallard, a native of Anniston, Alabama, died in Iraq on March 10, 2008. He is survived by his wife, Bonita and two children, Torre, Jr. and Joshua.

Like all those who have paid the ultimate sacrifice in this conflict, words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Captain Mallard died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. He was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Madam Speaker, for the House's remembrance on this mournful day.

PERSONAL EXPLANATION

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. POMEROY. Madam Speaker, on March 31, 2008, due to flight delays, I missed rollcall votes No. 147, 148, and 149. Had I been present, I would have voted in the following manner:

Rollcall No. 147, "yea;" rollcall No. 148, "yea;" rollcall No. 149, "yea."

ESTABLISHING AN OFFICE OF  
CONGRESSIONAL ETHICS—Continued

SPEECH OF

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 11, 2008*

Mr. CAPUANO. Mr. Speaker, I would like to thank many of the people who participated in the work of the Task Force, either by coming to speak with us and share their views or by contributing on a staff level.

A number of individuals attended meetings at the Task Force's request to share their past experiences and offer their opinions on the idea of an independent ethics office. We very much appreciate the time they gave us. They are Senator BEN CARDIN, former Representative Louis Stokes, former Representative Robert Livingston, Thomas Mann of the Brookings Institution, Norman Ornstein of the American Enterprise Institute, Donald Wolfensberger of the Woodrow Wilson International Center for Scholars, former Federal Election Commission Chairman Bradley Smith, Kentucky Legislative

Ethics Commission Executive Director Judge Anthony Wilhoit, President of the Ethics Resource Center Dr. Patricia Harned, Sarah Dufendach of Common Cause, Gary Kalman of U.S. PIRG, Fred Wertheimer of Democracy 21, Meredith McGehee of Campaign Legal Center, Melanie Sloan of Citizens for Responsibility and Ethics in Washington, Thomas Fitton of Judicial Watch, Lloyd Leonard of the League of Women Voters, Senate Ethics Committee Staff Director Robert Walker, and Senior Counsel to the House Committee on Standards of Official Conduct Ken Kellner.

I would like to extend my particular thanks to Tom Mann, Norm Ornstein, Sarah Dufendach, and Gary Kalman, all of whom were very committed to seeing a responsible and practical proposal from the Task Force and therefore spent many hours in consultation toward achievement of that goal.

The staff who assisted members of the Task Force also deserve our thanks and recognition: Bernard Raimo, Counsel to the Speaker; Paul Taylor, Chief Republican Counsel to the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties; Ed Cassidy, Senior Advisor & Floor Assistant to the Republican Leader; Robert F. Weinhausen, Jr., Senior Counsel in the Office of Legislative Counsel; Jean Louise Beard, Chief of Staff, and Kate Roetzer, Legislative Assistant to Rep. PRICE; Allison Havourd and Rob Guido, Legislative Assistants to Rep. CAMP; Christopher Hickling, Legislative Director to Rep. MEEHAN; Ben Taylor, Legislative Assistant to Rep. HOBSON; Carla Murrell-Hargrove, Staff Assistant, and Rashage Green, Legislative Assistant to Rep. SCOTT; Jeff Kahrs, Chief of Staff to Rep. TIAHRT; and Emily Lawrence, Legislative Director to Rep. MCCOLLUM.

Mr. Speaker, much of the debate on the Office of Congressional Ethics and the process followed by the Task Force in formulating these recommendations has centered on the issue of bipartisanship. Although my Republican colleagues declined to endorse the final proposal outlined in our report dated December 19, 2007, the process up to that point had, in fact, been incredibly bipartisan. This is to the credit of all of my colleagues on the Task Force. We had lively, open, and civil discussions in a series of meetings held over the course of a year, and we all value the cordial and professional way in which we were able to work together.

A number of draft proposals were circulated to all members of the Task Force throughout the process, starting with an initial proposal that was floated in June. As we worked to craft a specific set of recommendations, all Members had the opportunity to offer suggestions and feedback—and all did. As we worked from a general outline of an independent office into a more specific legislative draft, we incorporated most of the ideas put forth by Task Force members.

I would like to point out that the final proposal—as introduced in December and as amended for consideration on the House floor—contains a litany of concepts put forth by our Republican colleagues. They include:

- Term limits for OCE board members;
- Joint appointment of OCE board members;
- Requirement that reviews be initiated with bipartisan agreement;

Only prospective consideration by the OCE—no retroactive reviews of allegations pertaining to acts that occurred before the date of adoption;

Code of conduct for OCE board members and staff that includes avoidance of conflicts of interest;

Financial disclosure form for OCE board members;

Wording on OCE ability to "solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties";

60-day blackout on referrals from OCE to Ethics Committee before an election was made mandatory, as opposed to being at the Committee's discretion;

Provision requiring leaks to be investigated; and

Provision on ex parte communications.

One other issue to which I would like to respond is the internal memo from staff of the Committee on Standards of Official Conduct that was publicized via a Dear Colleague letter on March 11th and submitted for the RECORD that same day. This memo came in the form of an email exchange between Ken Kellner, Senior Counsel to the Committee, and Bill O'Reilly, Chief Counsel and Staff Director.

I would like to be absolutely clear that while the written memo was never shared with my office prior to their release in the Dear Colleague letter, its contents and the concerns of the Ethics Committee were shared in November 2007—prior to the introduction of H. Res. 895 on December 19, 2007. While some of the concerns raised by the Committee essentially rose from a basic objection to the creation of an independent ethics office within the House and could therefore not be addressed without compromising the fundamental concept, others were valid and reasonable issues that we took into consideration and modified based on Committee staff's suggestion.

I call Members' attention to five key changes that were made to the Task Force proposal in direct response:

We built in a process for the Ethics Committee to unilaterally take a case from the OCE at any time if the Committee feels it necessary or appropriate.

We removed a provision that would direct the OCE to provide a copy of its findings to the Member, officer, or employee who is the subject of a review. We agreed that it was not ideal to provide what could essentially be a "roadmap" for an investigation to the subject of a review. Therefore, the subject of the review would only see the OCE findings when they become available to the public—only after the Ethics Committee has a chance to deal with the matter.

We altered the content of the findings so that cooperative witnesses could not be named publicly—precisely because we agreed that the OCE would not want to punish legitimate whistleblowers by publicly disclosing their names. The change specified that only uncooperative witnesses may be named in the findings.

With respect to Committee concerns about publishing the board's findings even if the Committee has decided to handle a matter nonpublicly, we made sure to clarify that Ethics Committee rules would allow the Committee to dismiss a matter while also issuing a private letter to the subject or respondent. If the Committee felt the need to handle a smaller infraction privately, they could do so in this manner and no publication of the action is required.

We expanded the ex parte communications prohibition to include "any interested party" as was suggested.

These modifications were made to the proposal prior to the release of the final Task Force recommendations and introduction of H. Res. 895. Members deserve to know that the concerns of the Ethics Committee were taken into account by the Task Force and that, while this commentary caught many Members by surprise on March 11, we had already been briefed on its substance and had responded appropriately.

The Task Force worked diligently over our 11 months of meetings to cooperate on a bipartisan basis and craft a set of recommendations that would improve the ethics process in the House of Representatives. While I regret that we could not come to a final agreement, I thank my colleagues on the Task Force for their efforts and for their commitment to this institution.

#### SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARE- NESS MONTH

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 31, 2008*

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Con. Res. 302, supporting the observance of Colorectal Cancer Awareness Month, and for other purposes, introduced by my distinguished colleague from Texas, Representative KAY GRANGER. This important legislation recognizes the devastating effects of Colorectal Cancer, which kills 49,960 Americans each year, and raises awareness regarding the realities and severities of this disease.

Colorectal cancer includes both colon and rectal cancer and is the second most common cause of cancer deaths for both men and women within the United States. This form of cancer does not discriminate between men and women, race and ethnicity; however, the rates of diagnoses are slightly higher among the African America Community. Despite the fact that every 3.5 minutes someone is diagnosed with colorectal cancer, every 5 seconds, someone who should be screened for this cancer is not.

That is why this legislation is so important; we know the devastating effects of this type of cancer, yet we have failed to apply the necessary steps to address the epidemic. The survival rate of those who have colorectal cancer is 90 percent when detected in its early stages, but that rate dramatically drops to only 10 percent when colorectal cancer is detected after it has spread to distant organs. The death rate of colorectal cancer could be reduced by up to 80 percent if the majority of Americans age 50 or older were screened regularly for colorectal cancer. It is not surprising to note that uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance, and that as only 39 percent of colorectal cancer patients have their cancer detected at an early stage. Only 18.8 percent of Americans without health coverage in the United States have currently been properly screened for colorectal cancer.

Regular colorectal cancer screening makes economic sense because it has been ranked

as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year. Treatment costs for colorectal cancer are extremely high and are estimated at \$8,400,000,000 for 2004; however, the risks associated with non-treatment are even higher.

The necessity of raising awareness about colorectal cancer cannot be overemphasized, and I applaud this legislation for supporting the observance of Colorectal Cancer Awareness Month. The potential deadly effects of colorectal cancer should encourage Americans from all walks of life to be tested and treated by their doctors. Colorectal cancer is the third most common form of cancer and the second leading cause of cancer-related death in the Western world. As such, colorectal cancer causes 655,000 deaths worldwide per year. Colorectal Cancer Awareness Month must also raise public awareness for the need of colorectal cancer testing for those Americans who are traditionally unable to afford such screening and seek ways to alleviate this disparity. It is imperative that Congress find a way to ensure every American at risk is tested and treated in the early stages to prevent an even higher death rate. Colorectal Cancer Awareness Month should be recognized by all Americans to focus on the special opportunity to offer education on the importance of early detection and screening.

I am proud to cosponsor this important legislation to support the observance of March as Colorectal Cancer Awareness Month. I strongly support H. Con. Res. 302 and urge all Members to do the same.

#### PERSONAL EXPLANATION

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. WELLER. Madam Speaker, I was absent on Thursday, March 13th, Friday, March 14th, and Monday, March 31st due to personal reasons, and I missed rollcall votes 139 through 146.

If I were present I would have voted, "yea" on rollcall vote No. 140, "nay" on rollcall vote No. 141, "yea" on rollcall vote No. 142, "nay" on rollcall vote No. 143, "nay" on rollcall vote No. 144, "nay" on rollcall vote No. 145, "nay" on rollcall vote 146, "yea" on rollcall vote No. 147, "yea" on rollcall vote No. 148, and "yea" on rollcall vote No. 149.

#### HONORING STEPHEN LEE DODSON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephen Lee Dodson of Kearney, Missouri. Stephen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the

many years Stephen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stephen Lee Dodson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### PAYING TRIBUTE TO WILLIS AVERY

**HON. JON C. PORTER**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. PORTER. Madam Speaker, I rise today to honor 86 year old Willis Avery, a veteran of World War II, for his exemplary service in defense of freedom while serving in the United States Navy.

Willis served in the United States Navy in World War II as a Chief Pharmacist's Mate aboard the USS *Solace*, a hospital ship moored to the battleship USS *Arizona*. Willis was aboard the *Arizona* during the Japanese attack at Pearl Harbor on December 7, 1941. He courageously ignored the flames and assisted the wounded and helped transfer them to the USS *Solace* and other ships nearby. The Officer of the Deck ordered Willis and his partner off the *Arizona*. He witnessed the explosions of the USS *Arizona*. The day after the attack, Willis was among the Naval personnel who retrieved the bodies of the dead and readied them for burial.

While in the service, he played the saxophone and clarinet in a dance band and put on comedy skits along with USO entertainer Joe E. Brown to entertain fellow troops. He was an escort to the First Lady, Eleanor Roosevelt when she visited New Zealand.

Today, Willis is one of the few remaining survivors of the attack at Pearl Harbor and he is truly part of the "Greatest Generation."

Madam Speaker, I am proud to honor Willis Avery for his heroic service in the United States Navy. His dedication to this country in the theater of war and his devotion to his fellow troops' morale are truly commendable. I laud the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service.

#### HONORING THE 50TH ANNIVER- SARY OF THE USS *NAUTILUS* REACHING 90 NORTH

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 1, 2008*

Mr. COURTNEY. Madam Speaker, I rise today to introduce a resolution to honor an important anniversary not only to my district, but to our Navy and our nation.

In June 1958, the USS *Nautilus* (SSN 571), the world's first nuclear powered submarine, departed Seattle as part of a top secret operation called "Operation Sunshine." Unknown to many at the time, the *Nautilus* was embarking on a historic mission that took them on a course north to the Arctic Ice cap. At 1:15